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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-eighth session
6–23 March 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

PORTUGAL

1. The Committee considered the ninth periodic report of Portugal (CERD/C/357/Add.1) at its 1447th and 1448th meetings (CERD/C/SR.1447 and 1448), held on 12 and 13 March 2001. At its 1461st meeting (CERD/C/SR.1461), held on 21 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the updating report of Portugal, submitted less than one year after the consideration of the fifth to eighth periodic reports, as well as the supplementary written and oral information provided by the delegation. The Committee expresses its appreciation for the constructive and frank dialogue it had with the State party.

B. Positive aspects

3. The Committee welcomes the enactment of Decree Law 4/2001 modifying the regulations on the entry, stay and departure of foreigners with a view to, inter alia, introducing penal legislation against the illegal trafficking of migrant workers as well as an enlarged definition of the beneficiaries of family reunification.

4. The Committee also welcomes the enactment of Act No. 134/99 and corresponding Decree Law 111/2000 prohibiting discrimination in the exercise of rights on grounds of race, colour, nationality or ethnic origin, which contains a non-exhaustive list of discriminatory practices and provides for administrative sanctions for conduct falling under that list. It also welcomes the establishment of the Commission for Equality and against Racial Discrimination.

5. The Committee welcomes the establishment of the Consultative Council on questions of immigration and the participation in it of representatives of immigrants' associations.

6. The Committee notes with appreciation that, contrary to previous legislation, Act No. 20/98 of 12 May allows employers to freely employ any worker residing legally in Portugal, regardless of nationality.

7. The Committee welcomes the information provided by the State party about the sentences handed down by the competent courts in the case of the demolition of Gypsy dwellings in Vila Verde.

C. Concerns and recommendations

8. The Committee notes with concern that incidents of racial discrimination and xenophobia do occur in the State party and recommends that the authorities continue to monitor such incidents closely and take appropriate steps to deal with them.

9. The Committee notes the lack of detailed information in the periodic report about the number of complaints of racial discrimination brought before the Portuguese courts as well as the corresponding decisions, and recommends that the next report include information in this respect. That report should also include information about the cases dealt with by the Commission for Equality and against Racial Discrimination.

10. The Committee notes with concern that, in some industrial and services sectors where illegal migrant workers are engaged, they are discriminated against. It recommends that the State party take measures to put an end to this discrimination.

11. The Committee notes that the report does not contain detailed information about the effective enjoyment by ethnic groups, including refugees, foreign workers, Gypsies (Roma) and citizens who obtained Portuguese nationality following the independence of former colonies, of the rights contained in article 5 of the Convention. The Committee draws the State party's attention to General Recommendation XX and recommends that the next periodic report include information in that respect, in particular about the socio-economic situation of the above-mentioned groups.

12. The Committee recommends that the State party take measures to inform the population in general, and the most vulnerable groups in particular, about the possibility of bringing complaints before the Commission for Equality and against Racial Discrimination.

13. The Committee recommends that, in its next periodic report, the State party provide information on the demographic composition of the population, in accordance with paragraph 8 of the Committee's reporting guidelines.

14. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized. It also recommends the adoption of measures in order to inform the public about the acceptance by Portugal of article 14 of the Convention.

15. The Committee recommends that the State party submit its tenth periodic report jointly with the eleventh periodic report, due on 23 September 2003, and that it address the points raised in these concluding observations.